Sectt. II-48—19,083—11-8-21

Law (192/) Department.

General

Ordinary SERIES.

G.O. No. 30

DATED 6 - 4 - 21

[Despatch Abstract.]

Magistrates - Special - First class - South Kanara - Mangalore - Mr. J.J. Fernandez and Mr. B.S. Albuquerque - appointed.

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Scott. II—9—19,158—17-1-18.

EPARTMENT.

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LAW (JUDICIAL) DEPARTMENT.

CURRENT NO. 0571 JUDICIAL-D

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Subject.

Bench of Magistrates - Powers - Recommended.

ENCLOSURES
No. ____
Spare copies ____

Ref. No. 1112-20-M.

Sattur Karkal dated the 1st February 1921.

From (Name) R. H. Ellis, Esquire, I.C.S.,

(Designation) District Magistrate, South Kanara.

To The Secretary to the Government of Madras,

Law (Judicial) Department.

Sir,

Mr. J.J. Fernandes, Bar-at-Law and Mr. B. S. Albuquerque, B.A., Retired Tahsildar, who are members of the Bench of Magistrates, Mangalore Town, were invested with the powers of a Magistrate of the second class (please vide G.O. 139, dated 10th February 1920 and 2209, dated 29th September 1919, respectively) and they have been officiating as President and Vice-President, respectively of the Bench of II Class Magistrates. During the year 1920 they disposed of 501 cases of which more than 150 were cases under the Madras Hackney Carriage Act, 1911. These cases cannot be tried summarily by this Bench and therefore much of the time of this Bench, which could be utilised to better

purpose, is wasted. The existing Bench of first class ------ Magistrates Mangalore has sufficient work already and it --- cannot conveniently be asked to take up, in addition, cases - under the Hackney Carriage Act. I therefore recommend that the individuals named above may also be invested with the --- powers of a Magistrate of the first class so that there may - be a more even distribution of work between the two benches.

5/2

For District Magistrate.

M.S.R./5-2.

5.2.21 5/2

Scott. II-8 (f) - 11,004— 6-1-17.

Law (Jud) Dept

Memo No. 5718-1 dt 16-3-21

With reference to the
letter, Ref. No 1112-20-M dated the 1st Feb
'21 from the D.M. S Kanara
regarding the conferment of 1st class
Magisterial powers on the President &
the Vice President of the Second class
Bench at Mangalore ~~the D.M. South~~ if so observed
~~Kanara is informed~~ that his
proposal ~~practically~~ practically means
abolition of the Second class Bench
The D. M is requested to ~~report~~ state
if that was his intention

PGR
17.3.21.
BBR
17/3/21

GR
17/3/21

L
17/3/21
16/3

The D. M. South Kanara
memo only.

Reminder to issue after 3 weeks.

the result that the latter get a larger number of cases - contested and otherwise, while the former get only a few contested cases.

D Krambrea
2334

For Dt. Magistrate.

M.S.R./23-3.

D.A. 23.3.21

NOTES.

Law (Jud) Dept.

Subject: Bench of Magistrates - Mangalore.

[G.O 571B] From the D.M. S. Kanara. Ref. No 1112-20-M. Dt 1-2-21

Regr.

(K) From rules 7 of the rules annexed to GO 1822 (Jud) dated the 13-8-19 (read with section 260 Cr.P.C) it will appear that offences under the Madras Hackney act 1911 can be tried summarily, only by a 1st class Bench. The D.M says that cases coming under the Act are good many and that the existing 1st class Bench has no time to take up these cases as it has already has enough work. Under the circumstances the D.M's proposal to invest the two Hon: Second class Magistrates with first class powers may if so desired be approved. In the existing Bench of first class Magistrates at Mangalore there are two first class Magistrates & two second class ministers. a president and a vice president. who sit in benches. If the present proposal is approved there will be four honorary 1st class Magistrates and there will be no second class Bench at all. First class Benches can try second and third class cases summarily. By the proposal is accepted

Draft put up may issue

Pldl 2.2.21

BR 2/2/21

For orders as to whether one addition alone will not do. Only 150 Hackney Carriage

act cases have to be tried. Three first class magistrates ~~would do~~ & would be enough. There will then be a second class bench also in the town

CR
25/2/21
C.S.

Better point out to the D.M. that he practically means the abolition of the 2nd class Bench & ask if that was his intention. If it was should not the two benches be definitely amalgamated also?

JA
1.3.21

Regr

Draft memo to the D.M is sent for approval.

2/3 With reference to the C.S's query it is noted that the question of the amalgamation of the two Benches does not arise. The Special magistrates, whether of the 1st, 2nd or 3rd class, are all appointed for the area comprised within the jurisdiction of the Bench of magistrates at Mangalore and not for any particular Bench. The D.M arranges the sittings of these magistrates

in batches and each batch derives its powers whether 1st; 2nd or 3rd class from the presiding Magistrate under rule the second proviso to rule 1 of the rules annexed to Go 1822 (Jud) (K) dated the 18-8-19. If the presiding Magistrate is a Magistrate of the 1st class that particular batch of the Bench has 1st class powers. In the same manner with second and third class Benches. If the D.M's proposal means the abolishing of the second class Bench, there will be two batches of the 1st class Bench at Mangalore

PG/ks
4.3.21.
PJR
5.3.21

Issue the Memo please.
AR
18/3/21

p3c-f Issued as Memo No 571/B-1. Dtd 16.3.21.

pp 4 to 6 [Go 1461/B] From the D.M. South Kanara. Rep No 1112-20-H. Dtd 22.6.21

Regd.

Please see the D.M's reply at pp 4 to 5 c.f in which he says that his intention is to abolish the second class Bench. Submitted for orders whether the draft already sent up may issue. Regd first class benches may be in the case also. If necessary approve.

PG/ll
1.4.21
PJR
1/4

AR
4.4.21
5

KLL
5/4/21

Scott. II-10 (a)—35,105—9-2-20. Special Law (Jud.) DEPARTMENT.

Magistrates - First class - South Kanara - Mangalore

Mr J. J. Fernandez + Mr B. S. Albuquerque } appointed

READ AGAIN G.O. No. 2209 (Jud.) (2), dated 29- 9- 1919

" " " " 139 (Jud.) (G), " 18. 2. 1920.

RE. -

C. No. 571 B, From the D. M. South Kanara Ref. No. 1112-24-M, dated 1- 2- 1921.

" " Memo " 5, " Ito " " 571B-1 " 16. 2. 1921.

" " 1461 B " Jan " " 1112-24-M " 22. 3. 1921.

ORDER. No. 30, dated 6/4 1921.

(Jud.)

Pd. 2 to Govt. (1) 8.3.17

The following Notification will be published in the Fort St George Gazette.

Notification

Under section 14 of the Code of Criminal Procedure, 1898, the Governor in Council is pleased to ~~appoint the~~ confer on the undermentioned Special Magistrates for the area comprised within the jurisdiction of the Bench of Magistrates at Mangalore in the district of South Kanara all the ordinary powers of a Magistrate of the first class and further to direct under section 15 (1) of the Code that they shall exercise these powers as members of the Bench of Magistrates established for the

Mr Basil Severin Albuquerque

To John Joseph Fernandez Esquire

Exd
BR 7/4/21

DESPATCHED

The D. M. South Kalutara to
The S. G. P. for publication of the
Notification in the Gazette. o
Gazettal on.